IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 28163 of 2007(C)

RCP.168/2005 of PRL.MUNSIFF COURT, ERNAKULAM
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PETITIONER:

DIPU BABY,
AGED 37 YEARS, S/O.BABY MATHEW,
RESIDING AT 34/704C, HILL GARDEN, EDAPPALLY POST,
ERNAKULAM.

BY ADV. SRI.V.A.AJAI KUMAR

RESPONDENTS:
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1. EMMANUEL JAISON,
S/O.V.T.ANTONY, VALIYAPARAMBIL HOUSE,
KALABHAVAN ROAD, ERNAKULAM.

2. BABY MATHEW,
S/O.P.A.MATHEW, RESIDING AT 34/704C,
HILL GARDEN, EDAPPALLY POST, ERNAKULAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.28163 of 2007-C

Judgment

Balakrishnan Nair, J.

The petitioner claims, he is conducting business in a room, bearing Door No.35/1000 at Palarivattom. The first respondent herein is the landlord and the second respondent is the tenant, who is the father of the petitioner. The Rent Control Petition was allowed as the second respondent did not contest. Now, the execution proceedings have reached its final stage. On coming to know of the same, the petitioner filed Ext.P1 petition under Order 21 Rule 58 of the CPC. Praying inter alia, for a direction to the Execution Court to consider Ext.P1, this Writ Petition is filed under Article 227 of the Constitution of India. The learned counsel for the petitioner submits that Ext.P1 was posted to 22.09.2007 and it was dismissed on the said date. So, practically, this Writ Petition has become infructuous. He has also a prayer to quash the order of the Execution Court dated 18.09.2007 and to furnish a copy of the said order to him. The said order is not before us. So, we cannot interfere with the same. Further, it is an order passed by the competent Court while executing an order

of the Rent Controller, which has become final. So, the challenge against it is ex facie, unsustainable. In the result, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

24.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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